

WIRELESS FACILITIES STUDY SESSION

December 8, 2009

What are wireless facilities?

- Antennas and related equipment operated by cell phone carriers
- Types:
 - ▣ Building mounted
 - ▣ Ground mounted
- Locations:
 - ▣ Private property
 - ▣ Public property
 - ▣ Public right-of-way



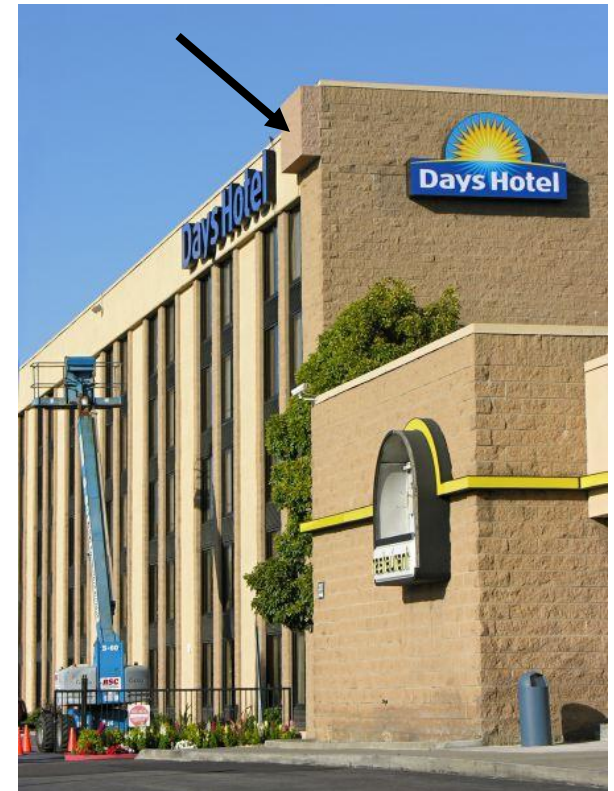
Building Mounted

- ❑ On top of roof or wall-mounted to façade
- ❑ Older facilities often not screened
- ❑ Newer facilities screened or integrated into building



Building Mounted

- ❑ First facility allowed by-right
- ❑ Subsequent facilities (co-locations) require CUP
- ❑ Maximum height 15 feet above roof or CUP required



Ground Mounted

- ❑ Mounted on dedicated pole or existing light or utility pole
- ❑ Older facilities and facilities in non-sensitive areas not masked
- ❑ Newer facilities masked or hidden



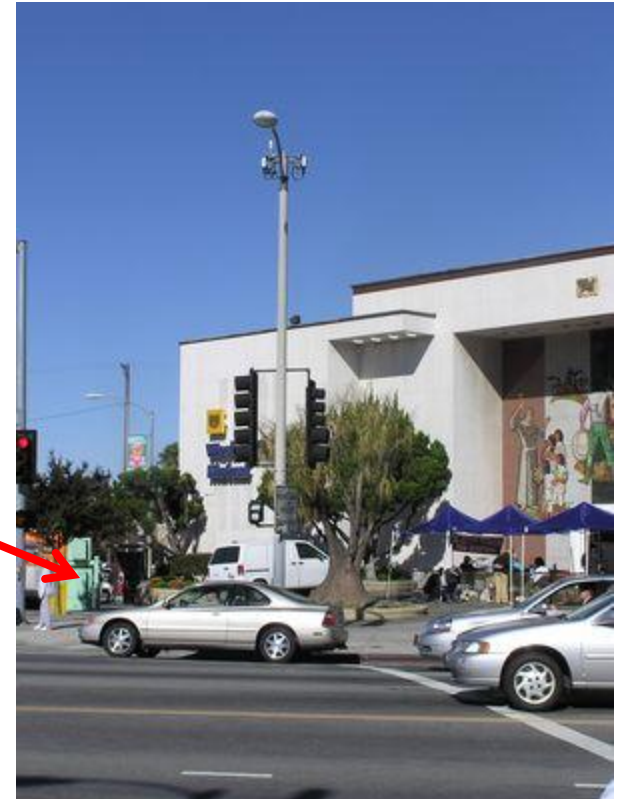
Ground Mounted

- ❑ First facility allowed by-right
- ❑ Subsequent facilities (co-location) require CUP
- ❑ Maximum height determined by distance from R-1 and R-2; up to 35 feet maximum or CUP required



Public Right-of-Way

- ❑ Zoning does not apply
- ❑ Encroachment permit required; no requirements specific to wireless facilities
- ❑ No facilities in Burbank yet



Federal Regulations

- Telecommunications Act of 1996
 - Cities may not discriminate among carriers or have the effect of prohibiting wireless service
 - Cities must act upon requests within a reasonable time; any denials must be supported in writing based on substantial evidence
 - Cities may not regulate wireless facilities or require modification on the basis of radio frequency (RF) emissions so long as the facility complies with FCC regulations

Impacts and Controversy

- Two impacts of primary concern are aesthetics and RF emissions
- Cities generally have ability to regulate facility location and design as it pertains to aesthetic impacts
- Federal law prohibits cities from regulating on the basis of RF emissions

Radio Frequency Emissions

- Controversy and discussion over whether wireless facilities have health impacts
- Various scientific studies have conflicting conclusions
- Some argue that more study is needed
- Cities may require applicants to verify compliance with FCC regulations on RF emissions but may not regulate RF emissions or deny an application on that basis

Glendale

- January 13, 2009: adopted moratorium on wireless facilities in residential zones and in public rights-of-way within 1,000 feet of residential zones
- October 15, 2009: released draft wireless ordinance for public review
 - Requires wireless permits for facilities on private property and those in rights-of-way
 - Specifies preferred zones and locations
 - Extensive technical information must be submitted and reviewed with each application

Recent Actions by Other Agencies

- **City of Glendale:** adopted resolution for federal government to study RF emissions, revise federal law, and provide greater flexibility to cities
- **County of Los Angeles and LAUSD:** both adopted resolutions supporting repeal of federal pre-emption regarding RF emissions and greater authority from state to allow cities to regulate in public rights-of-way
- Other cities have passed similar resolutions

Current Burbank Issues

- ❑ Neighborhood opposition to proposed wireless facility in Brace Canyon Park
- ❑ Application to amend zoning to allow building mounted facilities on institutional buildings in R-1 zone (currently prohibited in R-1)
- ❑ Ordinance is 13 years old
- ❑ Requests by Planning Board for RF and additional information with CUP applications

What's next?

- Revisit zoning requirements
 - ▣ CUP for first facility?
 - ▣ Lower height limits?
 - ▣ Preferred zones or locations?
- Policy for public rights-of-way
- Policy for City properties
 - ▣ Change zoning requirements?
 - ▣ Public notice required?
 - ▣ Preferred locations?

Questions and Discussion

- Staff
- Representatives from California Wireless Association (CalWA)
- Representatives from wireless carriers